

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ASHLI PEOPLES, *Administrator of the
Estate of Damere M. Crockett, deceased,*

Plaintiff,

v.

**Civil Action 2:23-cv-524
Judge James L. Graham
Magistrate Judge Chelsey M. Vascura**

BRETT L. POSEY, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff's Complaint (ECF No. 1) asserts claims against, among others, Defendants identified as "John Does # 1-25." To date, the docket does not reflect that Plaintiff has moved to amend the Complaint to substitute the real names of the pseudonymous Defendants; nor does it reflect that Plaintiff has effected service upon them as required by Federal Rule of Civil Procedure 4(m). Accordingly, on May 23, 2023, this Court issued an order directing Plaintiff to show cause why the Court should not dismiss the action¹ without prejudice and why the Court should allow an extension of time to effect service. (ECF No. 4.)

On June 6, 2023, Plaintiff filed her Response to Show Cause Order (ECF No. 9), asserting waiver of service for eight named Defendants, proper service upon one named Defendant, and a request for extension of time to serve one named Defendant. However, Plaintiff's Response does not address the Doe Defendants, nor has Plaintiff sought leave to

¹ The Court's Show Cause Order (ECF No. 4) also addressed Plaintiff's failure to timely effect service of process over the named Defendants.

amend the Complaint to substitute the real names of John Does # 1-25, or effected service on John Does # 1-25. It is therefore **RECOMMENDED** that Plaintiff's claims against John Does # 1-25 be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE